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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Petition For Forbearance of the Cellular) CC Docket No. 95-116
Telecommunications Industry Association) DA 98-111
)

COMMENTS OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA"),¹ hereby respectfully submits its comments in response to the *Public Notice* in the above-captioned proceeding.² PCIA supports the relief sought in the instant *Petition*³ to the extent it creates a flexible,

¹ PCIA is the international trade association created to represent the interests of both the commercial and the private mobile radio service communications industries. PCIA's Federation of Councils includes: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, and the Mobile Wireless Communications Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

² FCC Public Notice, *Wireless Telecommunications Bureau Seeks Comment On CTIA Petition Requesting Forbearance From CMRS Number Portability Requirements*, DA 98-111 (rel. Jan. 22, 1998) ("Public Notice").

³ *Petition for Forbearance of the Cellular Telecommunications Industry Association*, CC Docket No. 95-116 (filed Dec. 16, 1997) ("Petition").

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economic and technology driven deadline for the implementation of broadband wireless number portability.

I. INTRODUCTION

PCIA's position on wireless number portability was first formally articulated to the Commission in late 1995, in comments and reply comments filed in CC Docket 95-116.⁴ In these pleadings, PCIA advocated implementation of service provider portability and service portability where economically and technically feasible. Such number portability would thus allow customers to change broadband CMRS providers and broadband services (*e.g.*, PCS-to-cellular, PCS-to-PCS, and cellular-to-cellular) without changing their telephone number. PCIA stressed that number portability is in the public interest because it provides for increased competition and ease of entry into the broadband wireless market.

Economic and technical circumstances suggest, however, that number portability is not appropriate for paging services and some SMR providers. As recognized by the Commission in its Order in this proceeding, imposing number portability obligations on paging providers "will have little competitive impact on competition between providers of wireless telephony service or between wireless and wireline carriers."⁵ Further, as pointed out by PCIA in its comments and

⁴ Comments of PCIA, CC Docket No. 95-116 (filed Sept. 12, 1995); Reply Comments of PCIA, CC Docket No. 95-116 (filed Oct. 12, 1995). *See also* Additional Comments of PCIA, CC Docket No. 95-116 (filed March 29, 1996).

⁵ *Telephone Number Portability*, 11 FCC Rcd 8352, ¶ 156 (1996), *affirmed on recon.*, 12 FCC Rcd 7236 (1997).

reply comments, paging networks are generally technically incapable of implementing number portability in any event.

Finally, PCIA has never — and does not now — support rigid implementation deadlines for number portability. As noted in PCIA’s opening round comments, “the Commission should act expeditiously to promulgate numbering portability *policies and goals*. It should then work in concert with industry standard setting bodies, such as the Industry Numbering Council (“INC”) in order to transform these general policies into specific technical standards.”⁶ After these standards are set, number portability can be implemented in a flexible fashion by carriers. PCIA continues to support a broadband wireless number portability obligation as pro-competitive and in the public interest, while opposing strict implementation deadlines for this obligation.

II. PCIA SUPPORTS THE PETITION TO THE EXTENT THAT IT CREATES A FLEXIBLE IMPLEMENTATION DEADLINE FOR BROADBAND WIRELESS NUMBER PORTABILITY

In the instant *Petition*, the Cellular Telecommunications Industry Association (“CTIA”) requests that the Commission, pursuant to Section 10 of the Communications Act of 1934, as amended,⁷ forbear from requiring broadband CMRS carriers to implement service provider number portability until PCS carriers have completed their five year buildout requirements. CTIA argues that such regulatory forbearance is in the public interest because: (1) “at this stage in the growth of the CMRS market ... the public interest is better served by the concentration of

⁶ Comments of PCIA in CC Docket 95-116 at 8.

⁷ 47 U.S.C. § 160(a)

limited resources to crucial infrastructure buildout as rapidly as possible;" and (2) the CMRS market is already sufficiently competitive without the introduction of number portability.⁸

PCIA endorses the Petitioner's requested relief without supporting all of its underlying rationale. In particular, consistent with its prior position, PCIA supports the relief sought in the *Petition* because it will give PCS carriers the flexibility, during their five year buildout period, to determine the appropriate timing of implementation. Such a grace period will allow time for wireless number portability technology solutions to be developed, tested, standardized, and implemented free from artificial deadlines. Further, regulatory flexibility is particularly important during the PCS buildout period because it allows new entrants to determine the timing and priority of focus for their limited financial and operational resources in order to speed the deployment of their networks.

Rigid deadlines also fail to take into account that the current state of technology is also an issue in wireline portability implementation. As described in the attached letter from the Chairman of the North American Numbering Council ("NANC") to the Chief of the Common Carrier Bureau, wireline networks in three of the seven regions that face Phase I implementation deadlines of March 31, 1998 for number portability may miss that deadline.⁹ This deadline may be missed due to vendor failure to provide a stable platform for the databases needed to support local number portability. These wireline implementation difficulties should thus serve as a cautionary tale for the Commission in its decision whether to impose firm deadlines for wireless

⁸ *Petition* at 7-9.

⁹ In response to this letter, on January 28, 1998, the Chief of the Network Services Division issued an Order granting any affected carriers an extension of time to file any necessary petitions for waiver of the number portability.

carriers, or to allow such carriers sufficient flexibility to implement number portability as this feature becomes technically feasible.

PCIA does not, however, agree with the Petitioner's allegation that wireless number portability is competitively insignificant. Number portability remains an important capability, for reasons that go beyond ensuring that customers are not discouraged or disincented by the cost or inconvenience of changing telephone numbers from moving from an incumbent provider to a new entrant. In particular, deployment of number portability is necessary for a wireless carrier to avoid having to pay the incumbent local exchange carrier for a database check (or "data dip") each time a wireless customer dials a telephone number in any wireline exchange in which portability is being used. This charge is particularly pernicious because it will be incurred regardless of whether the dialed number itself has actually been ported. Thus, without the implementation of number portability, broadband wireless carriers will be placed at a disadvantage in competing with wireline providers.


III. CONCLUSION

Broadband wireless number portability is an important, pro-competitive policy that should be advanced by the Commission. In advancing this policy however, the Commission should not impose rigid implementation deadlines that force wireless carriers to take technically infeasible or economically impractical measures. Therefore, the Commission should grant the relief requested in the *Petition* and forbear from requiring wireless carriers to implement number portability until after the five year buildout period for PCS carriers has lapsed.

Respectfully submitted,

PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

By:


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February 23, 1998

4140 Clover St.
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January 21, 1998

A. Richard Metzger, Jr.
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Dear Mr. Metzger:

It has come to the attention of the North American Numbering Council (NANC) that the FCC's Phase I implementation schedule for local number portability deployment will be significantly affected in the Southeast, Western and West Coast regions by vendor failure to provide a stable platform to support local number portability. The affected regional limited liability corporations (LLCs) are currently evaluating the impact of this failure and are identifying possible solutions to facilitate implementation of local number portability in their regions. NANC anticipates that the affected LLCs will provide the Commission with pertinent information concerning this issue no later than the end of January.

Under Commission rules, a carrier that is unable to meet the Commission's deadline for implementing number portability must file with the Commission at least 60 days in advance of the deadline a petition to extend the time by which implementation in its network will be completed. In this case, to comply with Commission rules, carriers in the affected regions must file with the Commission by January 29, 1998. In light of the fact that vendor failure in the affected regions is the principal reason for carriers' inability to timely meet the Commission's March 31, 1998 Phase I implementation date, and that LLCs in these regions are currently in negotiations to address this problem, NANC recommends that the Commission allow carriers until March 1, 1998 to make any necessary petition for waivers. NANC believes this will result in a more informed record upon which the FCC may act. Carriers that anticipate delays in Phase I implementation unrelated to vendor failures would not be affected by this request. If our recommendation is accepted, the requested filing delays should not be construed to imply a delay in the implementation schedule.

Sincerely,

Alan Hasselwander
Chairman, North American Numbering Council

CC: John Muleta, Geraldine Matise, Marian Gordon, Andre Rausch, Patrick Forster,
Jeannie Grimes